



1733
PATENT APPLICATION *HW*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Paul M. Neugebauer, et al.

Serial No: 09/922,964

Examiner: Maki, S.

Filed: 8/6/01

Art Unit: 1733

Confirmation No.: 1450

For: METHOD OF COMPENSATING FOR RESIDUAL
ALIGNING TORQUE (RAT)

Docket: 1110-WO; P99125US1A

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

In response to the Notice of Non-Compliant Amendment (37 CFR 1.121) dated August 19, 2004 (copy enclosed), Applicant through the undersigned submits the following. After review of the Notice, a phone conference was held with the Legal Instrument Examiner Phyllis Canty on September 9, 2004, who indicated that the Notice was incorrectly sent and that the Amendment submitted on August 9, 2004, was in compliance with 37 CFR 1.121 since claims 1-19 and claim 31 was indicated as being canceled. Ms. Canty indicated that a communication would be forthcoming to this effect.

However no such communication has yet to be received. Therefore Applicant is submitting the following in order to respond to the Notice of Non-Compliance prior to the one month deadline of September 19, 2004.

It is respectfully requested that should Ms. Canty or another Legal Instruments Examiner have any questions or comments regarding this matter that

they phone the undersigned with the expectation that a solution could be reached expeditiously.

Respectfully submitted this 15th day of September, 2004.

SAND & SEBOLT



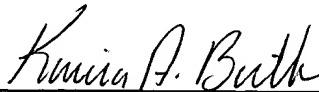
By: Michael Sand
Reg. No. 26,503

Aegis Tower
4940 Munson Street, NW, Suite 1100
Canton, OH 44718-3615
Telephone: (330) 244-1174
Facsimile: (330) 244-1173
MS/kab
Attorney Docket: 1110-WO; P99125US1A



CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
on this 15th day of September, 2004.



Karina A. Butler



UNITED STATES PATENT AND TRADEMARK OFFICE



COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 8-9-04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: Claims 1-19 should be (canceled); claim 31 (canceled)

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/propnotice/officetlyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(e)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Shyllis Canty
Legal Instruments Examiner (LIE)

571-272-0996
Telephone No.